

### **REMARKS**

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent in person interview with applicant's counsel, Michael Ballard. During the interview, independent claims 10, 19, 58, 61, 64, 67, and 70 were discussed. Also discussed were U.S. Patent Nos. 6,050,924 to *Shea* and 5,547,439 to *Rawls*. According to Applicant's understanding of the agreement reached during the interview, the presently presented claims likely overcome the rejections of record.

The Final Office Action, mailed August 18, 2008, rejected claims 10-26, 28-34, and 58-70 over *Shea* (U.S. Patent No. 6,050,924), *Rawls* (U.S. Patent No. 5,547,439), and *Shum* (U.S. Patent No. 6,585,622), and *Powers* (U.S. Patent No. 5,836,770) under 35 U.S.C. § 103<sup>1</sup>. In light of the following remarks, reconsideration and allowance for the above-identified application are now respectfully requested. Claims 10-26, 28-34 and 58-70 are pending, of which claims 10, 19, 58, 61, 64, 67, and 70 are the only independent claims at issue.

#### **Rejections under 35 U.S.C. § 103**

Claims 10-14, 16-26, 28-34, and 58-70 were rejected under § 103(a) as being unpatentable over *Shea* in view of *Rawls*. Applicants respectfully traverse.

*Shea* relates to an "exercise system and, more particularly, to an exercise terminal network including exercise terminals usable by an exerciser in a training or rehabilitation program" (Col. 1, ll. 5-8). During use the "exerciser enters his/her exercise identifier at [an] exercise station terminal" so that processor 201 can "retrieve [] exercise data for the exerciser from the exercise database" to enable the exerciser to begin the workout (Col. 17, ll. 17-22). "The exerciser is provided with a prompt which indicates the exercise ... and total exercise time" (Col. 17, ll. 24-26). Following completion of the exercise at the first exercise station terminal, "the exerciser is provided with an aural and/or visual prompt regarding the next exercise terminal to be used" (Col. 17, ll. 34-36). "The exerciser then proceeds to the stationary bicycle and enters his/her exerciser identifier ... Processor 201 uses the entered exerciser identifier to retrieve exercise data from the exercise database" (Col. 17, ll. 42-46). Each time the exerciser changes

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

an exercise apparatus, the exerciser enters the exerciser identifier and the processor of the exercise apparatus retrieves the exercise program from the exercise database at the central computer 102 (*See “[t]he database portions are stored in memory 507 . . . of central computer 102 of exercise terminal network 100 (Col. 12, ll. 23-27)*).

*Rawls* is directed to an “exercise system 10 which includes a plurality of stationary exercise cycles, each ridden by an individual user” (Col. 3, ll. 53-55). The exercise system 10 functions by “simulating a race between the exercise cycles and displaying the race as it progresses on a display 24 mounted on each of the first and second exercise cycles 12 and 14” (Col. 4, ll. 32-35). To increase interest in the race, the exercise system 10 also “simulates the users being able to draft behind each other” (Col. 4, ll. 43-44). To simulate the drafting effect, “each cycle has a speed sensor 26 which measures the speed at which the user turns the pedals 18 with the user's feet during the current time interval” (Col. 5, ll. 20-23). Using the measured speed, the “exercise effort of the user during the current time interval is calculated” (Col. 5 ll. 28-31). Each cycle’s “display 24 contains electronics to perform the necessary computational functions” (Col. 6, ll. 62-64). This “information is exchanged between the displays 24 of the exercise cycles over a cable 62 which interconnects the displays 24” (Col. 7, ll. 24-26). This “information is used to periodically update the visual display 28 of each display 24 to show the race progress” (Col. 7, ll. 27-29). By “knowing the cumulative exercise effort of all the exercise cycles . . . the display 24 of each exercise cycle can determine when the cumulative exercise effort of one user is within a preselected range less than the cumulative exercise effort of another user” (Col. 7, ll. 30-34). If the cumulative exercise effort of one user is within the preselected range, the “display 24 of each user's exercise cycle will simulate the trailing user drafting behind the lead user” (Col. 7, ll. 46-47).

In contrast, independent claims 10, 58, 61, 67, and 70 recite a device that simultaneously delivers exercise programming to a plurality of exercise devices. For example, claim 10 recites a “transmitter delivering said exercise program simultaneously to each of the plurality of exercise devices.” Similarly, claims 58 and 67 each recite “the transmitter simultaneously delivering exercise programming to the plurality of exercise devices,” claim 61 recites “the transmitter simultaneously delivering the same exercise programming to the plurality of exercise devices,” and claim 70 recites “exercise programming at the central control unit, which is simultaneously sent to a first exercise device and a second exercise device.”

Neither *Shea* nor *Rawls* teach or suggest an exercise program that is simultaneously delivered to a plurality of exercise devices. Rather, *Shea* teaches individual programs being delivered to each exercise apparatus when a user logs in at the exercise apparatus, not a single exercise program being simultaneously delivered to a plurality of exercise devices. Likewise, *Rawls* does not disclose an exercise program being simultaneously delivered to a plurality of exercise devices, but merely discloses multiple exercise cycles that communicate with one another to simulate a race. The disclosure of *Rawls* is clear that the only information communicated between the exercise cycles relates to whether each exercise cycle is in a "group race" mode, whether the race has been started, and the performance of the users, not the simultaneously delivery of an exercise program to each of the exercise cycle.

Additionally, independent claims 19, 58, and 61 recite limitations relating to a central unit with which an exerciser can directly interact to select a desired exercise program and have the selected program delivered to the plurality of exercise devices such that the central unit controls the exercise devices one after the other without additional input from the user at either the central unit or the plurality of exercise devices. For example, claim 19 recites "said control panel is adapted to enable an exerciser to select one of said plurality of exercise programs at said control panel and activate said control panel such that said wireless transmitter delivers said one of said plurality of exercise programs to said plurality of exercise devices ... wherein said central control unit is adapted to control said plurality of exercise devices in succession without further input from the exerciser at said central control unit or said plurality of exercise devices." Similarly, claim 58 recites "the central managing unit is adapted to: ... control an operation of a first exercise device of the plurality of exercise devices upon selection and activation by the exerciser of exercise programming at the central managing unit and, upon completion of the operation of the first exercise device, automatically control an operation of a second exercise device of the plurality of exercise devices without any additional input from the exerciser at the central managing unit or at the plurality of exercise devices." Likewise, claim 61 recites "the exercise programming is adapted to control each of the plurality of exercise devices individually and in succession without input from an exerciser prior to the central unit controlling each exercise device of the plurality of exercise devices."

Neither *Shea* nor *Rawls* teach or suggest a control unit that is adapted to deliver exercise programming to multiple exercise devices and control the multiple exercise devices in succession

without further input from the exerciser at the control unit or at the multiple exercise devices. As not, *Shea* requires a user to log in at each exercise device, which then retrieves an exercise program from the central computer. As also noted, *Rawls* does not deliver exercise programming from a central control unit to multiple exercise devices. Furthermore, the *Rawls* exercise cycles are used at the same time and are not controlled in succession by a control unit.

Furthermore, *Shea* and *Rawls* do not teach or suggest a central unit that delivers exercise programming to a plurality of exercise devices, wherein the delivery of the exercise programming is the initial communication between the central unit and the plurality of exercise devices and is initiated at the central unit by a user, as recited in claims 10, 19, 58, 61, 64, 67, and 70. Rather, *Shea* teaches and suggests an exercise system in which a signal is first sent from each of the exercise devices to the central computer and the central computer responds by sending exercise data to the exercise device. As noted above, *Rawls* does not deliver exercise programming from a central control unit to multiple exercise devices. Furthermore, in order for the *Rawls* exercise cycles to communicate with one another, a user at each exercise cycle must select the "group race" mode. Thus, the initial communication between the *Rawls* exercise cycles is initiated at the exercise cycle and merely indicates the mode of operation for that device and does not deliver exercise programming to other exercise devices.

For at least the foregoing reasons, Applicants respectively submit that pending claims 10-26, 28-34 and 58-70, as presented herein, are neither disclosed in *Shea* or *Rawls* nor obvious variations of the device disclosed therein. Accordingly, it is respectfully submitted that claims 10-26, 28-34, and 58-70, as presented herein, overcome the rejections under 35 U.S.C. 103(a).

### **Rejection under 35 U.S.C. § 103**

The Examiner has rejected claim 15 under § 103(a) as being unpatentable over *Shea* in and *Rawls* in view of *Shum*. Claim 15 depends from claim 10, and thus incorporates the elements recited therein. As discussed above, *Shea* and *Rawls* fail to disclose or obviate independent claim 10. Furthermore, it has not been established that *Shum* remedies the defects of *Shea* and *Rawls*. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. 103(a) of claim 15 be withdrawn.

## CONCLUSION

Applicants respectfully submit, therefore, that the present application is now in condition for allowance. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30<sup>th</sup> day of October, 2008.

Respectfully submitted,

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